

In the Matter of a Complaint by

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

against

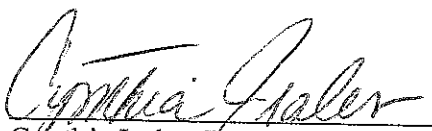
Docket # 2009-41UL

CT Coalition of Property Owners,

Respondent

September 25, 2009

FINAL DECISION AND NOTICE OF FINAL DECISION REGARDING ABOVE MATTER
ARE RECEIVED BY:



Cynthia Isales, Esq.
Assistant Ethics Enforcement Officer

9-25-09
Date

In the Matter of a Complaint by

Final Decision

Ethics Enforcement Officer,
Office of State Ethics,

Complainant

Docket # 2009-41UL

against

CT Coalition of Property Owners

Respondent

September 24, 2009

The above-captioned matter was heard as a contested case on June 16, 2009, at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. It is found that having failed to timely receive the respondent's first quarterly report (ETH-2D) by April 10, 2009, the complainant sent a letter to the respondent, dated April 23, 2009, informing it that the report was now delinquent and if a first quarter ETH-2D report was not received by May 1, 2009 that a hearing on this matter would be scheduled and that the complainant will seek civil penalties.
2. It is found that the April 23, 2009 letter was returned to the complainant marked "return to sender; attempted – not known."
3. It is found that upon learning that the April 23, 2009 letter sent to the respondent was undeliverable after the post office returned it marked "return to sender; attempted – not known," the complainant sent an electronic mail to the respondent

on May 1, 2009, informing the respondent that the Office of State Ethics ("OSE") did not receive its ETH-2D for the first quarter and that a hearing on this matter would be scheduled if the ETH-2D was not filed by May 1, 2009 and that the complainant will seek civil penalties.

4. Having failed to receive a first quarter ETH-2D report, it is found that the OSE, pursuant to the authority and jurisdiction vested in it by General Statutes § 1-99 (b), issued notice to the respondent of the June 16, 2009 hearing in this matter. Such notice alleged that the respondent violated General Statutes § 1-96 (a) by failing to file a first quarter ETH-2D report.
5. It is found that the issues presented are:
 - a. whether the respondent violated § 1-96 (a) by failing to file, on or before April 10, 2009, a first quarter ETH-2D report.
 - b. whether the Citizen's Ethics Advisory Board ("Board") should impose a civil penalty in this matter, if it finds that the respondent violated § 1-96 (a).
6. Section 1-96 (a) provides, in relevant part:

Each client lobbyist registrant shall file with the Office of State Ethics between the first and tenth day of April... a financial report, signed under penalty of false statement. The April ...report[] shall cover its lobbying activities during the previous calendar quarter....
7. Section 1-99 (b) provides, in relevant part:

[The Board] may, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive, upon the concurring vote of two-thirds of its members, impose a civil penalty not to exceed ten dollars per day upon any registrant who fails to file any report, statement or other information as required by this part. Each distinct violation of this subsection shall be a separate offense and, in case of a continued violation, each day thereof shall be deemed a separate offense. In no event shall the aggregate penalty imposed for such failure to file exceed ten thousand dollars.
8. It is found that the respondent was a client lobbyist registrant and a required filer of financial reports during the 2009-2010 registration period, within the meaning of § 1-96 (a).
9. It is found that the respondent did not file a first quarter ETH-2D report with the OSE on or before April 10, 2009 as required by § 1-96 (a).

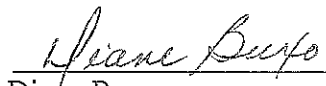
10. It is therefore concluded that the respondent violated § 1-96 (a), by failing to file the required first quarter ETH-2D report with the OSE on or before April 10, 2009.
11. It is found that the respondent filed the first quarter ETH-2D report with the OSE on May 4, 2009, twenty-four (24) days late.
12. It is concluded that pursuant to § 1-99 (b) the Board may impose a maximum civil penalty upon the respondent of two hundred forty dollars (\$240), that is, ten dollars (\$10) per day for twenty-four days that the report was late.
13. It is found that at the hearing in this matter the respondent requested that no fine be imposed because its failure to file was not willful but inadvertent due to an incomplete address listed on its registration which led to it not receiving the OSE April 23, 2009 correspondence, informing it of the filing delinquency and the May 1, 2009 grace period deadline.
14. It is found that the respondent's client lobbyist registration ("registration form") contains address information for a "person at client responsible for oversight of client's lobbying activities" ("person at client") that is different from the contact information listed for the respondent. Specifically, the address for the respondent is listed as "CT Coalition of Property Owners, Scarborough Street, West Hartford, CT 06110," and the address for the person at client is listed as "Richard Deparle, 3083 Fairfield Avenue, Bridgeport, CT 06605."
15. It is found that the complainant sent the April 23, 2009 correspondence to "CT Coalition of Property Owners, Attn. Richard Deparle, Scarborough Street, West Hartford, CT 06110."
16. It is found that neither the respondent nor Richard Deparle received the April 23, 2009 correspondence.
17. It is found that while the respondent's registration form contained an incomplete address for the respondent, the respondent did provide to the OSE a complete address for Richard Deparle as the person at client responsible for oversight of client's lobbying activities.
18. It is found that Richard Deparle was eventually notified by the complainant via electronic mail on Friday, May 1, 2009, the last day of the grace period to avoid civil penalties for the violation of § 1-96 (a).
19. It is found that upon learning of the filing delinquency from the complainant, the respondent filed the first quarter ETH-2D on Monday, May 4, 2009.

The following order by the Board is hereby recommended on the basis of the

record concerning the above-captioned complaint:

1. Based on the facts and circumstances of this case, the Board, exercising its discretion, reduces the civil penalty from two hundred forty dollars (\$240) (the maximum permissible civil penalty) to one hundred twenty dollars (\$120).
2. The respondent shall, within ten (10) days of the mailing of the notice of final decision in this case, remit to the OSE a civil penalty in the amount of one hundred twenty dollars (\$120).
3. Forthwith, the respondent shall correct any erroneous or incomplete contact information listed on its 2009-2010 client lobbyist registration and related financial reports filed with the OSE.
4. Henceforth, the respondent, if designated as a client lobbyist registrant within the meaning of § 1-96 (a), shall timely file all financial reports.
5. Recognizing the benefits of education, the Board recommends that the respondent attend an educational workshop regarding the Code of Ethics for Lobbyists, in particular its registration and reporting requirements, to be conducted by the OSE prior to the commencement of the 2010 regular legislative session. The respondent may contact the OSE's Director of Education to schedule such workshop.

Approved by Order of the Citizen's Ethics Advisory Board at its special meeting of September 24, 2009.



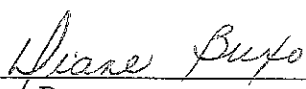
Diane Buxo
Acting Clerk of the Board

PURSUANT TO CONNECTICUT GENERAL STATUTES § 4-180 (c), THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE OFFICE OF STATE ETHICS, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

ETHICS ENFORCEMENT OFFICER
C/O: CYNTHIA ISALES, ASST. ENFORCEMENT OFFICER
OFFICE OF STATE ETHICS
18-20 TRINITY STREET, SUITE 205
HARTFORD, CONNECTICUT 06106

CONNECTICUT COALITION OF PROPERTY OWNERS
C/O MARSHALL R. COLLINS & ASSOCIATES, LLC
46 ROUND HILL ROAD
SALEM, CONNECTICUT 06420



Diane Buxo
Acting Clerk of the Board